

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.
Fred Landorf, LPN, License No. 020712
76 Harrington Avenue
New Haven, CT 06512
CASE PETITION NO. 891211-11-026

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated September 10, 1991. (State Exhibit 1) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Fred Landorf, LPN (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated September 26, 1991. The hearing took place on October 22, 1991 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Fred Landorf, hereinafter referred to as the Respondent, was issued Connecticut Licensed Practical Nurse License Number 020712 on May 30, 1984. (State Exhibit 3)
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license. (State Exhibit 2)
3. The Respondent was aware of the time and location of the hearing. State's Exhibit 1 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent's address.
4. The Respondent was not present at the hearing and was not represented by counsel. (Hearing Transcript October 22, 1991, pp. 3, 14)
5. Pursuant to a Consent Order dated November 29, 1988, the Respondent's license, effective December 1, 1988, was suspended for at least thirty-six (36) months followed by two (2) years probation for violating the terms of a Memorandum of Decision dated September 16, 1987. (State Exhibit 4)

6. The November 29, 1988 Consent Order required the Respondent remain drug and alcohol free for the period of suspension and probation, and that he not obtain for personal use and/or use alcohol or any drug which had not been prescribed by a licensed health care practitioner. The Respondent was also required to engage in counselling with a licensed or certified therapist and to provide random urine and/or blood screens which were negative for drugs and alcohol. The Consent Order further required that reports from the Respondent's therapist and reports of random drug and alcohol screens were to be submitted to the Board on a scheduled basis. The Consent Order provided that the thirty-six (36) month suspension would recommence should any alcohol/drug screen be positive. (State Exhibit 4)
7. A urine specimen submitted by the Respondent for drug screening on January 30, 1989 was positive for the controlled substances Oxazepam, Codeine, Marijuana (THC) and Cocaine. (State Exhibit 5) (Hearing Transcript October 22, 1991, pp. 9-10)
8. On or about January 30, 1989 the Respondent had prescriptions for Librax, Percocet and Hydrocet. (Hearing Transcript October 22, 1991, p. 10)
9. Librax will give a positive result for Oxazepam in drug screens. Percocet and Hydrocet will give a positive result for Codeine in drug screens. (Hearing Transcript October 22, 1991, p. 10)

10. On or about January 30, 1989 the Respondent did not have prescriptions for the controlled substances Cocaine or Marijuana (THC). (Hearing Transcript October 22, 1991, p. 10)
11. The thirty-six (36) month suspension of the Respondent's license recommenced on March 1, 1989 (State Exhibit 4, p. 8) due to the positive drug screen (FACT 7).
12. The Respondent began therapy on an out-patient basis on or about November 16, 1988 at the Connecticut Mental Health Center, New Haven, Connecticut. (State Exhibit 5)
13. Therapist reports, required by the Consent Order dated November 29, 1988, were not submitted in a timely fashion and did not document dates of therapy sessions. (Hearing Transcript October 22, 1991, pp. 11-12)
14. The Respondent was discharged from the Connecticut Mental Health Center effective September 8, 1989 for failing to continue therapy. (State Exhibit 6) (Hearing Transcript October 22, 1991, p. 12)
15. Therapist reports, required by the Consent Order dated November 29, 1988, were not submitted after October 31, 1989. (Hearing Transcript October 22, 1991, p. 13)

DISCUSSION AND CONCLUSIONS

On December 1, 1988 the practical nurse license of the Respondent was placed on suspension followed by probation pursuant to a Consent Order dated November 29, 1988 (FACT 5). The Consent Order required the Respondent meet specific conditions throughout the period of suspension and probation, including that he remain drug and alcohol free; that he submit random urine and/or blood screens which were negative for alcohol and drugs; and that he engage in counselling with a licensed or certified therapist who would submit therapy reports on a scheduled basis (FACT 6).

The FIRST COUNT PARAGRAPH 5a of the Statement of Charges, alleges the Respondent violated the conditions of probation in that "on or about January 30, 1989, he had a positive drug screen;..."

The Respondent was not present or represented at the hearing to answer to this charge.

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, including "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on Facts 7 and 10, that the Respondent had a urine drug screen which was positive for the controlled substance Cocaine and Marijuana (THC) and that he did not have prescriptions for said substances, the Board concludes the Respondent abused the controlled substances Cocaine and Marijuana (THC), and therefore, violated the General States of Connecticut Section 20-99(b)(5).

The Board further concludes that by abusing Cocaine and Marijuana (THC), as evidenced by a positive urine drug screen, the Respondent violated the Consent Order dated November 29, 1988 in that he did not comply with conditions set forth therein which applied during the period of suspension and were not limited to the period of probation. By violating the Consent Order dated November 29, 1988 the Respondent violated the General Statutes of Connecticut Section 20-99(b).

The FIRST COUNT PARAGRAPH 5b of the Statement of Charges alleges the Respondent violated the conditions of probation in that "as of September 8, 1989, he has not participated in therapy;..."

The Respondent was not present or represented at the hearing to answer to this charge.

The General Statutes of Connecticut Section 20-99(b) prohibits "conduct which fails to conform to the accepted standards of the nursing profession...."

Based on Facts 14 and 15, the Board finds that the Respondent has failed to engage in counselling with a licensed or certified therapist since on or about September 8, 1989.

The Board concludes that by failing to engage in counselling, the Respondent violated the Consent Order dated November 29, 1988 in that he did not comply with conditions set forth therein which applied during the period of suspension and were not limited to the period of probation. By violating the Consent Order dated November 29, 1988

the Respondent violated the General Statutes of Connecticut Section 20-99(b).

The FIRST COUNT PARAGRAPH 5c of the Statement of Charges alleges the Respondent violated the conditions of probation in that "he has failed to have bi-monthly therapy reports issued to the Connecticut Board of Examiners for Nursing."

The Respondent was not present or represented at the hearing to answer to this charge.

The General Statutes of Connecticut Section 20-99(b) prohibits "conduct which fails to conform to the accepted standards of the nursing profession...."

This Board has found that the Respondent has failed to engage in counselling with a licensed or certified therapist since on or about September 8, 1989 which in itself is a violation of the November 29, 1988 Consent Order. Therefore, the failure to submit therapist reports on a scheduled basis as required by the Consent Order (FACT 15) accurately reflects the Respondent's failure to engage in counselling. Having concluded that the Respondent violated the General Statutes of Connecticut Section 20-99(b) for violating the Consent Order by not engaging in counselling, this Board cannot conclude that the Respondent merely failed to have therapy reports issued, as alleged.

Therefore, the First Count Paragraph 5c is dismissed.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Sections 19a-17 and 20-99 the Board hereby orders the following:

1. That for the First Count, Paragraphs 5a and 5b the practical nurse license of the Respondent be revoked.
2. The date of revocation shall commence on June 1, 1992.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 9th day of April, 1992.

BOARD OF EXAMINERS FOR NURSING

By Janice Thibodeau, R.N.

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